

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAREN JORDAN, ET AL.	:	CIVIL ACTION
	:	
v.	:	
	:	
	:	
WILLIAM PINAMONT, ET AL.	:	NO: 2:06-cv-03091-LDD

ORDER

AND NOW, this 27th day of April, 2007, it is hereby ORDERED that Defendants' Motion to Quash Plaintiffs' Subpoena Duces Tecum Served on Dr. Brooks and Dr. Askins (Doc. No. 28) is GRANTED. It is further ORDERED that Plaintiffs' Motion to Quash Portions of Defendants' Cross Notice of Deposition Duces Tecum for Drs. James, Swartz, Downing, and Shafi (Doc. 40) is GRANTED.

At issue in both motions are subpoenas duces tecum requiring opposition physician witnesses to provide copies of all expert reports authored by the witness during the four years preceding this action. Each party has issued a subpoena requesting these reports; each seeks to quash the opposing party's subpoena; each party seeks to preclude production of reports authored by their witnesses.

Neither party directs the Court to case law or any provision of the Federal Rules of Civil Procedure supporting their demands for reports from prior, and completely unrelated, cases. Rule 26(a)(2)(B) only requires an expert witness to produce a list of cases in which the expert has provided testimony during the preceding four years; it does not require the production of expert reports generated in connection with those cases. The parties argue that although production is

not mandated by the Federal Rules of Civil Procedure, these reports are relevant to the question of bias because they establish the percentage of cases in which the witness has testified for the plaintiff or the defendant.

Under the circumstances of this case, this Court deems the relevance of this potential information as attenuated. The burden of the physicians to produce these materials would be significant. Production of such expert reports, therefore, will not be ordered.

Accordingly, this 27th day of April 2007, it is hereby ORDERED that Defendants' Motion to Quash Plaintiffs' Subpoena Duces Tecum Served on Dr. Brooks and Dr. Askins (Doc. No. 28) is GRANTED. It is further ORDERED that Plaintiffs' Motion to Quash Portions of Defendants' Cross Notice of Deposition Duces Tecum for Drs. James, Swartz, Downing, and Shafi (Doc. 40) is GRANTED.

BY THE COURT:

/S/LEGROME D. DAVIS

Legrome D. Davis, J.